

Notice of Allowability	Application No.	Applicant(s)	
	10/661,293	ADAMS, MARY EILEEN	<i>af</i>
	Examiner	Art Unit	

Bryan Fischmann 3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to filng of 9-12-2003.
2. The allowed claim(s) is/are 1-6.
3. The drawings filed on 12 September 2003 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

<ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 9-12-2003 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material 	<ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____. 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____.
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Allowable Subject Matter

1. Claims 1-6 are allowed.

Reasons for Allowance

2. The following is an Examiner's statement of reasons for allowance of independent claims 1, 5 and 6:

Claim 1 recites the limitation (as paraphrased) of a shopping cart braking device for use with an existing shopping cart, said braking device comprising a tube, said tube selectively hingeably attached to a chassis of the shopping cart, said tube having a brake pad for selectively preventing the front wheels from rotating, said braking device having an unbraked position, in order that the brake pad does not impede the rotation of the front wheels of the shopping cart, said braking device also having a braked position wherein the tube has been lowered with respect to the support surface with the foot of the user, in order to selectively wedge the brake pad between the front wheels and the support surface, thereby preventing the front wheels of the shopping cart from rotating, and thereby immobilizing the shopping cart. This limitation, in combination with the other limitations of claim 1, were not found in the prior art.

Independent claim 5 contains a similar limitation.

Independent claim 6 contains a similar limitation in method format.

3. The following is an additional statement by the Examiner on the reasons for allowance.

The cited prior art (including the IDS) includes Watkins, et al, Pasillas and Eguchi, et al. Figure 6 of Watkins teaches many of the limitations of independent claim 1, but lacks a teaching of a shopping cart braking device proximal the front wheels and a brake pad. The braking device of Figure 6 of Watkins is instead on the rear wheels. Panillas provides a teaching of a shopping cart braking device proximal the front wheels and Eguchi provides a teaching of a brake pad (75) on a braking/anti-tilt device on a cart. However, it should be noted that a "theoretical" combination of Watkins, Panillas and Eguchi would still fail to provide a teaching of the claimed invention of claim 1, as the disclosed invention of Figure 6 of Watkins teaches that the wheels are raised off the ground by the braking device. While this prevents rotation of the wheels proximal the brake, since they are "off the ground", which is a limitation of the claimed invention of Applicant (wheel rotation prevention), the disclosed invention of Watkins fails to teach the additional limitation that the front wheels are selectively wedged between the brake pad and a support surface to prevent wheel rotation. In contrast, Figure 6 of Watkins shows a clearance between the wheels and the braking device, thus not meeting the claim 1 limitation of the braking device being "wedged" between the wheels and a ground surface. Note claims 5 and 6 are considered allowable over the cited prior art for similar reasons.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Watkins, et al, Steier, et al, Higgs, Drake, Gill, Sedlack, Pasillas and Eguchi – teach braking devices generally on shopping carts that incorporate features that are pertinent to the claimed invention.

5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Bryan Fischmann whose telephone number is (703) 306-5955. The examiner can normally be reached on Monday through Friday from 8:30 to 5:00.

If attempts to reach the Examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis, can be reached on (703) 308-2560. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bryan F. 9-5-4
BRYAN FISCHMANN
PRIMARY EXAMINER